

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MERCK & CIE,  
SOUTH ALABAMA MEDICAL SCIENCE  
FOUNDATION and  
PAMLAB L.L.C.**

**Plaintiffs,**

**-vs.-**

**MACOVEN PHARMACEUTICALS, GNOSIS  
S.P.A. GNOSIS USA INC. and  
GNOSIS BIORESEARCH S.A.,**

**Defendants.**

**Civil Action No. 6:12-cv-0027**

**JURY TRIAL DEMANDED**

**JOINT SUBMISSION PURSUANT TO AUGUST 9, 2012 SCHEDULING ORDER**

In accordance with the Court's August 9, 2012 Scheduling Order, Plaintiffs Merck & Cie, South Alabama Medical Science Foundation and PamLab L.L.C. (Plaintiffs) and Defendants Macoven Pharmaceuticals, Gnosis S.P.A., Gnosis USA Inc., and Gnosis Bioresearch S.A. (Defendants) jointly submit and request that the Court enter the following: (i) Proposed Docket Control Order (Exhibit A); (ii) Proposed Discovery Order (Exhibit B); and (iii) Proposed Order Regarding E-discovery (Exhibit C).

Further, the parties jointly propose James Knowles as an agreed mediator in this case.

The parties are currently engaged in negotiations to finalize the terms of an agreed protective order and thus request an extension up to and including September 14, 2012 to file an agreed, proposed protective order (motion and proposed order filed concurrently

herewith). The parties do not believe that a status conference is necessary at this time.

Dated: September 5, 2012

Respectfully submitted,

/s/ Dwayne C. Norton

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/s/ Robert L Waddell (with permission)

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*Attorneys for Gnosis, S.p.A., Gnosis USA Inc.,  
and Gnosis Bioresearch S.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 5th day of September, 2012 with a copy of this document via the Court's CM/ECF system.

/s/ Dwayne C. Norton  
Dwayne C. Norton